

**Arlington Town Meeting 2022 - Motion to Amend**  
**Article 38, Two Family Construction Allowed by Right in R0 and R1 Residential Zones**

Date: May 11, 2022

I, Sanjay Newton, move to amend the recommended vote of the Arlington Redevelopment Board under Article 38 of the 2022 Annual Town Meeting by making the following changes:

Strike the footnote to the table entitled "R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) For Exceptions)" and substitute the following:

**"\* Neither unit of such a two-family dwelling or duplex dwelling shall exceed 1,850 square feet of heated living space for three years following the date of the initial certificate of occupancy for such dwelling"**

Strike the footnote to the table entitled "5.4.3 Use Regulations for Residential Districts" and substitute the following:

**"\* Neither unit of such a two-family dwelling or duplex dwelling shall exceed 1,850 square feet of heated living space for three years following the date of the initial certificate of occupancy for such dwelling"**

Respectfully submitted,



Sanjay Newton, Precinct 10

**Rationale:**

This change will ensure that only "starter home" sized duplexes and two-families are built in R0/R1, but it helps families in those starter homes to stay in Arlington as they grow and change and provides for a better and more streamlined enforcement. After three years it would put residents in these starter homes on an equal footing with their neighbors by allowing them the possibility to finish a basement, or attic, or add a bedroom. This three year delay is similar to the anti-phasing restrictions we have for inclusionary zoning and prevents gaming of the system. In addition, this change will enforce the restriction as part of the normal inspection process, rather than creating a cumbersome deed restriction.

I am proposing this amendment because the unamended main motion is not flexible in allowing families to finish additional space as they grow and requires a perpetual deed restriction on each dwelling. There are several reasons why a perpetual deed restriction is not a good idea.

- The deed restriction leaves no possibilities, other than moving, for families whose circumstances change over time (for example, having additional kids, or a new job requiring work from home).
- A limitation on heated living space would be easy to enforce through the usual zoning process. Encumbering people's houses with a deed restriction hurts homeowners while being completely unnecessary to ensure enforcement.
- A deed restriction would not respond to any future zoning changes made by Town Meeting (for example, if Town Meeting changed or removed the size threshold in the future, the deed restriction would remain in effect).